

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Courts  
Southern District of Texas  
FILED

OCT 22 2002

In Re ENRON CORPORATION  
SECURITIES, DERIVATIVE &  
"ERISA" LITIGATION,

§  
§ MDL 1446  
§

Michael N. Milby, Clerk of Court

MARK NEWBY, ET. AL.

§

Plaintiffs

§

VS.

§

CIVIL ACTION NO. H-01-3624 ✓  
AND CONSOLIDATED CASES

§

ENRON CORPORATION, ET.AL.

§

Defendants

§

DAVID A. HUETTNER, Individually and as  
Custodian of the David A. Huettner Individual  
Retirement Account; SUSAN B. HUETTNER;  
and DONALD E. HUETTNER, Individually  
and as Custodian of the Donald E. Huettner  
Individual Retirement Account

§

§

§

§

§

§

Plaintiffs

§

§

VS.

§

CIVIL ACTION NO. H-02-2984

§

§

EOTT ENERGY PARTNERS, L.P.;

§

EOTT ENERGY CORP.; KENNETH LAY;

§

DANA R. GIBBS; STANLEY C. HORTON;

§

MARY ELLEN COOMBE;

§

DAVID R. HULTSMAN; LORI L. MADDOX;

§

PEGGY B. MENCHACA;

§

MOLLY M. SAMPLE; SUSAN C. RALPH;

§

DANIEL P. WHITTY; and

§

ARTHUR ANDERSEN, L.L.P.

§

EOTT ENERGY PARTNERS, L.P.'S  
NOTICE OF BANKRUPTCY

TO THE HONORABLE UNITED STATES BANKRUPTCY COURT:

Defendant EOTT Energy Partners, L.P., by and through its attorney of record,  
Adams and Reese, notifies the Court and all parties that there is an immediate necessity for

1099

staying the above-styled and numbered cause of action against EOTT Energy Partners, L.P., due to the pendency of its bankruptcy proceeding under Chapter 11 of the Bankruptcy Code presently pending in the Southern District of Texas's Corpus Christi division under case no. 02-21730.

In such proceedings, EOTT Energy Partners, L.P. is the debtor and would suggest to the Court that the automatic stay under 11 U.S.C. §362 has been brought into operation by the filing of the bankruptcy petition.

Respectfully submitted,

ADAMS AND REESE LLP

By: Walter J. Cicack

Walter J. Cicack

TBA No.: 04250535

1221 McKinney Street, Suite 4400

Houston, Texas 77010

Telephone: (713) 652-5151

Telecopier: (713) 652-5152

***Attorney for Defendant, EOTT Energy Partners, L.P.***

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing pleading has been served on all counsel of record in accordance with the Federal Rules of Civil Procedure, on this 22nd day of October, 2002

John A. Huettner  
630 Leader Building  
528 Superior Avenue  
Cleveland, Ohio 44114  
(216) 771-1331 – fax  
***Attorney for Plaintiffs***

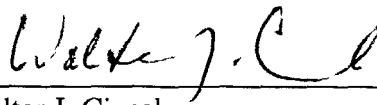
Daniel R. Warren  
Melissa M. Eckhause  
Baker & Hostetler LLP  
1900 East Ninth Street, Suite 3200  
Cleveland, Ohio 44114  
(216) 696-0740 – fax  
***Attorneys for Kenneth L. Lay***

Ashley N. Hudson  
Daniel Kolb  
Sharon Katz  
David Polk & Wardwell  
450 Lexington Avenue  
New York, New York 10017  
(212) 450-5986 – fax  
***Attorneys for Arthur Andersen LLP***

James J. Bartolozzi  
Douglas V. Bartman  
Mark R. Jacobs  
Kahn Kleinman Yanowitz & Arnson Co.  
2600 Tower at Erieview  
1301 East Ninth Street  
Cleveland, Ohio 44114  
(216) 623-4912 – fax  
***Attorneys for Arthur Andersen LLP***

Paul D. Clote  
Paul D. Clote & Associates  
5300 Memorial Drive, Suite 800  
Houston, Texas 77007  
(713) 654-0052 – fax  
***Attorneys for Dana R. Gibbs, Mary Ellen  
Coombe, David R. Hultsman, Lori L. Maddox,  
Peggy B. Menchaca, Molly M. Sample, Susan  
C. Ralph and Daniel P. Whitty***

Paul D. Flack  
Jacks C. Nickens  
Nickens, Lawless & Flack, L.L.P.  
600 Travis, Suite 7500  
Houston, Texas 77002  
(713) 571-9652 – fax  
***Attorneys for Stanley C. Horton***

  
\_\_\_\_\_  
Walter J. Cicack